

From: [John J. McNally](#)
To: [Montanez, Yeliann](#); [Floyd, Tanya](#)
Subject: RE: Montco Research Products Site - EPA Information Requests
Date: Tuesday, January 14, 2020 5:17:56 PM

Yeli/Tanya – I hope you both had a happy holiday season and Happy New Year as well. I was out of the office but saw this last week and shared it with Mr. Sunoo. I also just received the hard copy end of the week and we are reviewing it to compile the information and prepare the response. I will be in contact to address and review the response.

Thank you.

John.

John J. McNally, P.E., Esq.

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“Practical legal/technical environmental solutions”

From: Montanez, Yeliann [<mailto:Montanez.Yeliann@epa.gov>]

Sent: Monday, January 06, 2020 11:25 AM

To: John McNally; Floyd, Tanya

Subject: RE: Montco Research Products Site - Conference Call

Mr. McNally:

Happy New Year! Following up on the e-mail below, attached please find an electronic copy of the correspondence deposited in today's mail.

Please feel free to contact us with any questions regarding this correspondence.

Sincerely,

Yeliann

Yeliann Montañez

Attorney-Advisor

Office of Regional Counsel

U.S. EPA Region 4

61 Forsyth Street S.W.

Atlanta, GA 30303

(404) 562-9522

montanez.yeliann@epa.gov

From: Montanez, Yeliann

Sent: Thursday, December 19, 2019 4:27 PM

To: Floyd, Tanya <Floyd.Tanya@epa.gov>; John McNally <john@mcnallylawpa.com>

Subject: RE: Montco Research Products Site - Conference Call

John:

I hope this e-mail finds you well. This message serves to follow up on Tanya's e-mail below in which documentation for your clients is referenced, including a notice letter and request for information. We wanted to provide you with an update that, in light of the upcoming holiday, we intend on depositing the documentation in the mail the week after next as opposed to this week. We wish you and your clients a great holiday season.

Please feel free to contact me with any questions.

Sincerely,

Yeliann

Yeliann Montañez

Attorney-Advisor

Office of Regional Counsel

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montanez.yeliann@epa.gov

From: Floyd, Tanya <Floyd.Tanya@epa.gov>

Sent: Friday, December 6, 2019 6:22 PM

To: John McNally <john@mcnallylawpa.com>; Montanez, Yeliann <Montanez.Yeliann@epa.gov>

Cc: Woodruff, Kevin <Woodruff.KevinL@epa.gov>; Swanson, Courtney <Swanson.Courtney@epa.gov>; Krull, Joseph <krull.joseph@epa.gov>

Subject: RE: Montco Research Products Site - Conference Call

John,

Thanks so much for making time to talk to Yeli and I today. As we mentioned during our call this afternoon, EPA is currently in the process of internally routing for EPA management approval, a request for information and notice letter to your clients, Han Sunoo and Montco Research Products. As you requested today, EPA is attaching financial documentation forms to be completed by your clients to assist EPA in determining whether your clients have the financial capability to perform and fund a time critical removal action at the Site.

EPA plans to request that your clients submit the documents and information requested in the information request within **14 days** of your receipt of the request, including, but not limited to information and documents about past operations, the type and quantity of hazardous substances presently on Site, including a listing of soil, groundwater, drum, tank, and container sampling performed and results with dates and quality assurance protocol utilized, and health and safety training provided to employees handling hazardous substances at the Site.

Additionally, EPA plans to request that your clients submit a statement and documentation concerning their willingness to fund and perform a time critical removal action and pay EPA's past costs (including costs incurred by EPA in performing emergency removal actions) and future costs (including EPA's costs to oversee performance of a time critical removal action at the Site) within **20 days** of your receipt of the letter, including, but not limited to a submittal of documents demonstrating both their financial and technical capability to perform the time critical removal action. Per your request, EPA will send the letter both electronically and by certified mail/return receipt to you.

EPA will seek for your client Han Sunoo to complete the attached Financial Data Questionnaire and submit the last 5 years of his state and federal tax returns to assist in demonstrating his financial ability to conduct a time critical removal action at the Site. If you and/or Mr. Sunoo believe any additional documentation would assist in EPA's review of his financial capability to fund the work, including payment of EPA's past costs and oversight costs, please submit such information within 20 days of your receipt of the letter.

EPA will seek for your client Montco Research Products to complete the attached Corporate

Financial Data Questionnaire and submit the last 5 years of its state and federal tax returns to assist in demonstrating its financial ability to conduct a time critical removal action at the Site. If you and/or Montco Research Products believe any additional documentation would assist in EPA's review of its financial capability to fund the work, including payment of EPA's past costs and oversight costs, please submit such information within 20 days of your receipt of the letter.

If the notice letter is approved by EPA Region 4 management, EPA plans to request that your clients submit the name and contact information of the firm(s) your clients plan to hire to conduct the time critical removal action, a proposed work plan for conducting the time critical removal action, including, but not limited to detailed information of the proposed work to be done, timelines for performing such work, and a breakdown of costs for performing each component of the work to be performed, which shall also include timelines and costs for preparing health and safety plans, sampling and analysis plans, quality assurance plans, and disposal plans compliant with the National Contingency Plan and EPA policy and guidances (see the attached model AOC for more information about such plan requirements).

If EPA determines that your clients have demonstrated both the financial and technical capability to perform the time critical removal action, your clients will need to enter into an administrative settlement on consent (AOC) with EPA. The terms of that settlement will require that your clients provide the EPA liquid financial assurance (such as a surety bond or irrevocable letter of credit) in the amount of estimated costs to conduct the time critical removal action as determined by the EPA. A copy of the model AOC is attached. Please note that for purposes of national consistency and fairness to all parties entering into settlement with the EPA, the vast majority of terms included in the model AOC may not be negotiated or altered. Terms of the AOC which may be negotiated include the amount of stipulated penalties your clients would be assessed if terms of the AOC were not timely and/or completely performed.

Yeli and I look forward to working with you to resolve this matter.

Best regards,

Tanya

Tanya Floyd

Attorney

U.S. Environmental Protection Agency, Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

Phone: (404) 562-9813

Email: floyd.tanya@epa.gov

From: John McNally <john@mcnallylawpa.com>

Sent: Friday, December 6, 2019 3:59 PM

To: Montanez, Yeliann <Montanez.Yeliann@epa.gov>; Floyd, Tanya <Floyd.Tanya@epa.gov>

Subject: RE: Montco Research Products Site - Conference Call

Yeli.. I have been out of the office in meetings and just saw this message. I will be back in the office in a few minutes and can speak at 4:15 and thereafter to speak briefly as you requested. Thank you.

John

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: "Montanez, Yeliann" <Montanez.Yeliann@epa.gov>

Date: 12/6/19 1:11 PM (GMT-05:00)

To: "John J. McNally" <john@mcnallylawpa.com>, "Floyd, Tanya" <Floyd.Tanya@epa.gov>

Subject: Montco Research Products Site - Conference Call

Mr. McNally:

I hope that you are doing well. I am writing in regard to the Montco Research Products Site.

Are you available today, any time from around 1:30 pm to 4:15 pm, for a brief conference call to discuss this matter?

Thank you in advance,

Yeliann Montanez

Attorney

CERCLA/Federal Facilities

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